



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION I  
5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MASSACHUSETTS 02109-3912

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**SEP 25 2015**

Aquarion Water Company of Massachusetts, Inc.  
Attn: John Walsh, Vice President  
900 Main Street  
Hingham, Massachusetts 02025

Re: PCB Cleanup and Disposal Approval under 40 CFR §§ 761.61(a) and (c)  
Former Strawberry Hill Tank Site  
39 Prospect Avenue  
Hull, Massachusetts  
MassDEP RTN: 4-22776

Dear Mr. Walsh:

This is in response to the Aquarion Water Company of Massachusetts, Inc. ("Aquarion") Notification<sup>1</sup> to address PCB contamination on the property located at 39 Prospect Avenue (the "Site") in Hull, Massachusetts. The Site contains PCB-contaminated soil that exceeds the allowable PCB level for unrestricted use under the federal PCB regulations at 40 CFR § 761.61(a). Aquarion has submitted a plan to clean up and dispose of the PCB-contaminated soil under the PCB self-implementing cleanup and disposal option ("SIP") at 40 CFR § 761.61(a).

In the Notification Aquarion is proposing the following PCB cleanup and disposal activities under § 761.61(a):

- Remove PCB-contaminated soil and debris located in three areas of the Site (see Attachment 2) and dispose as greater than or equal to ("≥") 50 parts per million ("ppm") *PCB remediation waste* at a TSCA-approved disposal facility or a RCRA hazardous waste landfill in accordance with 40 CFR § 761.61(a)(5)(i)(B)(2)(iii)

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<sup>1</sup> Information submitted by Environmental Partners on behalf of Aquarion was provided to satisfy the notification requirement under 40 CFR §§ 761.61(a) and (c). Information was provided dated January 2014 (Response Action Outcome for 37 Prospect Avenue, Hull, MA); January 2014 (Phase II Comprehensive Site Assessment/Phase III Remedial Action Plan Report); February 2015 (Phase IV Remedy Implementation Plan); July 2015 (Phase IV Remedy Implementation Plan, revised); July 2015 (Quality Assurance Project Plan Phase IV Remedial Action); July 22, 2015 (Self-Implementing Checklist with references to supporting project documents); September 15, 2015 (email groundwater laboratory reports); September 15, 2015 (email clarification on monitoring well data); September 15, 2015 (email clarification on remedial alternatives); September 16, 2015 (email transmittal of Phase IV omitted Phase IV pages and notification on change of LSP); September 18, 2015 (email Phase IV Remedy Implementation Plan text, revised); and September 21, 2015 (emails Response to September 21, 2015 EPA comments and contractor bid specification excerpts). These submittals will be referred to as the "Notification."

- Remove PCB-contaminated soil and debris with greater than (“>”) 1 ppm and less than (“<”) 50 ppm and dispose at a facility permitted by a State to manage non-hazardous waste in accordance with 40 CFR § 761.61(a)(5)(i)(B)(2)(ii)
- Conduct verification sampling in accordance with 40 CFR Part 761 Subpart O to confirm that the less than or equal to (“≤”) 1 ppm PCB standard has been met

With the exception of the characterization sampling, Aquarion’s proposal meets the SIP notification and certification requirements at 40 CFR § 761.61(a)(3). Given the Site history and the cleanup and disposal plan, EPA has determined that the data are adequate for delineating the nature and extent of PCB contamination at the Site and for purposes of off-site disposal. EPA finds that the use of the alternative characterization sampling will not pose an unreasonable risk of injury to health or the environment. EPA applies this reasonable risk standard in accordance with the PCB regulations at 40 CFR § 761.61(c) and with Section 6(e) of TSCA, 15 USC § 2605(e).

Aquarion may proceed with its project in accordance with 40 CFR §§ 761.61(a) and (c); its Notification; and, this Approval, subject to the conditions of Attachment 1. This Approval only addresses cleanup and disposal of *PCB remediation waste* as identified in the Notification, specifically PCB-contaminated soil and debris located outside the Site building footprint (see Attachment 2). In the event that Aquarion identifies other PCBs at the property that require cleanup under 40 CFR Part 761, Aquarion shall submit a modification to its Notification or shall submit a separate PCB cleanup plan in accordance with 40 CFR § 761.61 (see Attachment 1, Condition 16).

Please be aware that this Approval does not release Aquarion from any applicable requirements of federal, state or local law, including those requirements under the Massachusetts Department of Environmental Protection (“MassDEP”) and the Massachusetts Contingency Plan.

EPA encourages the compliance with greener cleanup practices for all cleanup projects, and recommends adherence to the ASTM Standard Guide to Greener Cleanups E2893-13 (Guide) for work conducted under this Approval and the Notification. Greener cleanups is the practice of integrating options that minimize the environmental impacts of cleanup actions in order to incorporate practices that maximize environmental and human benefit. Please see Section 6 of the Guide for the Best Management Practices (BMP) Process dated December 19, 2013. (See [www.astm.org/Standards/E2893.htm](http://www.astm.org/Standards/E2893.htm) for additional information) EPA encourages you to review the Guide and implement any practices that are feasible. If implemented, the PCB completion report should include a section on BMP Documentation, as described in Section 6.6.5 of the Guide.



Questions and correspondence regarding this Approval should be directed to:

Kimberly N. Tisa, PCB Coordinator  
United States Environmental Protection Agency  
5 Post Office Square, Suite 100  
Boston, Massachusetts 02109-3912  
Telephone: (617) 918-1527

EPA shall not consider the work authorized under this Approval to be complete until it has received all submittals required under this Approval, including information evidencing that PCBs > 1 ppm have been removed from the Site and disposed of in accordance with 40 CFR Part 761. Please be aware that upon EPA receipt and review of the submittals, EPA may request any additional information necessary to establish that the work has been completed in accordance with the 40 CFR Part 761, the Notification, and this Approval.

Sincerely,

  
Nancy Barmakian, Acting Director  
Office of Site Remediation & Restoration

Attachment 1: Approval Conditions

Attachment 2: Figure 5 Site Disposal Areas

cc: Paul Gabriel, President - Environmental Partners  
Ann Marie Petricca, Environmental Partners  
MassDEP NERO: RTN 4-22776  
File

## ATTACHMENT 1

### PCB CLEANUP AND DISPOSAL APPROVAL CONDITIONS 39 PROSPECT AVENUE (“the Site”) HULL, MASSACHUSETTS

#### GENERAL CONDITIONS

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to the *PCB remediation waste* located at the property as identified in the Notification<sup>2</sup> (see Approval Attachment 2).
  - a. In the event that Aquarion Water Company of Massachusetts, Inc. (“Aquarion”) identifies other PCBs on the property that are not addressed in the Notification and that require cleanup under 40 CFR Part 761, Aquarion shall submit a separate plan to EPA in accordance with 40 CFR § 761.61 or shall submit a modification to its Notification in accordance with Condition 16.
  - b. In the alternative, documentation that cleanup and disposal of the newly identified PCBs are not regulated under TSCA and the federal PCB regulations at 40 CFR Part 761 may be provided to support that no further work is required. This does not preclude the applicability of regulatory requirements under the Massachusetts Department of Environmental Protection (“MassDEP”).
2. Aquarion shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.
3. In the event that the cleanup plan described in the Notification differs from the conditions specified in this Approval, the conditions of this Approval shall govern.
4. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.

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<sup>2</sup> Information submitted by Environmental Partners on behalf of Aquarion was provided to satisfy the notification requirement under 40 CFR §§ 761.61(a) and (c). Information was provided dated January 2014 (Response Action Outcome for 37 Prospect Avenue, Hull, MA); January 2014 (Phase II Comprehensive Site Assessment/Phase III Remedial Action Plan Report); February 2015 (Phase IV Remedy Implementation Plan); July 2015 (Phase IV Remedy Implementation Plan, revised); July 2015 (Quality Assurance Project Plan Phase IV Remedial Action); July 22, 2015 (Self-Implementing Checklist with references to supporting project documents); September 15, 2015 (email groundwater laboratory reports); September 15, 2015 (email clarification on monitoring well data); September 15, 2015 (email clarification on remedial alternatives); September 16, 2015 (email transmittal of Phase IV omitted Phase IV pages and notification on change of LSP); September 18, 2015 (email Phase IV Remedy Implementation Plan text, revised); and September 21, 2015 (emails Response to September 21, 2015 EPA comments and contractor bid specification excerpts). These submittals will be referred to as the “Notification.”



5. Aquarion must comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill during response actions, Aquarion shall contact EPA within 24 hours for direction on sampling and cleanup requirements.
6. Aquarion is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time Aquarion has or receives information indicating that Aquarion or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.
7. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by Aquarion are authorized to conduct the activities set forth in the Notification. Aquarion is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.
8. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release Aquarion from compliance with any applicable requirements of federal, state or local law; or 3) release Aquarion from liability for, or otherwise resolve, any violations of federal, state or local law.
9. Failure to comply with the Approval conditions specified herein shall constitute a violation of the requirement in 40 CFR § 761.50(a) to store or dispose of PCB waste in accordance with 40 CFR Part 761 Subpart D.

#### **NOTIFICATION AND CERTIFICATION CONDITIONS**

10. This Approval may be revoked if the EPA does not receive written notification from Aquarion of its acceptance of the conditions of this Approval within 10 business days of receipt.
11. Aquarion shall notify EPA in writing of the scheduled date of commencement of on-site activities at least 1 business day prior to conducting work under this Approval.
12. Prior to initiating onsite work under this Approval, Aquarion shall submit the following information:
  - a. a certification signed by its selected remediation contractor, stating that the contractor has read and understands the Notification, and agrees to abide by the conditions specified in this Approval;

- b. a contractor work plan, prepared and submitted by the selected remediation contractor(s) describing the air monitoring that will be employed during remedial activities. This work plan should also include information on how PCB waste will be removed, where PCB wastes will be stored (with figure showing location) and disposed of, and on how field equipment will be decontaminated; and,
- c. a certification signed by the selected analytical laboratory, stating that the laboratory has read and understands the sample extraction, analytical and quality assurance requirements specified in the Notification and in this Approval.

### **CLEANUP AND DISPOSAL CONDITIONS**

- 13. The cleanup level for *PCB remediation waste* at the Site shall be less than or equal to (" $\leq$ ") 1 part per million ("ppm") to meet the requirements at 40 CFR § 761.61(a)(4) for a *high occupancy area* without further conditions.
  - a. Bulk *PCB remediation waste* samples (i.e., soil) shall be collected on a bulk basis (i.e., mg/kg) and PCB concentrations shall be reported on a dry weight basis. Samples shall be collected in accordance with Subpart O from both excavation bottoms and sidewalls.
  - b. Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846 for solid matrices and Method 3500B/3510C of SW-846 for aqueous matrices; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction or analytical method(s) is validated according to Subpart Q.
- 14. All PCB waste (regardless of concentration) generated as a result of the activities described in the Notification, excluding any decontaminated materials, shall be marked in accordance with 40 CFR § 761.40; stored in a manner prescribed in 40 CFR § 761.65; and, disposed of in accordance with 40 CFR § 761.61(a)(5), unless otherwise specified below:
  - a. Decontamination wastes and residues shall be disposed of in accordance with 40 CFR § 761.79(g).
  - b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).
  - c. PCB-contaminated water generated during decontamination or dewatering shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.60.



**INSPECTION, MODIFICATION AND REVOCATION CONDITIONS**

15. Aquarion shall allow any authorized representative of the Administrator of the EPA to inspect the Site, to inspect records, and to take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by Aquarion to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.
16. Any proposed modification(s) in the plan, specifications, or information in the Notification must be submitted to EPA no less than 14 calendar days prior to the proposed implementation of the change. Such proposed modifications will be subject to the procedures of 40 CFR § 761.61(a)(3)(ii).
17. Any departure from the conditions of this Approval without prior, written authorization from the EPA may result in the revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
18. Any misrepresentation or omission of any material fact in the Notification or in any records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
19. Approval for these activities may be revoked, modified or otherwise altered: if EPA finds a violation of the conditions of this Approval or of 40 CFR Part 761, including EPA's PCB Spill Cleanup Policy, or other applicable rules and regulations; or, if EPA finds that these activities present an unreasonable risk to public health or the environment.

**RECORDKEEPING AND REPORTING CONDITIONS**

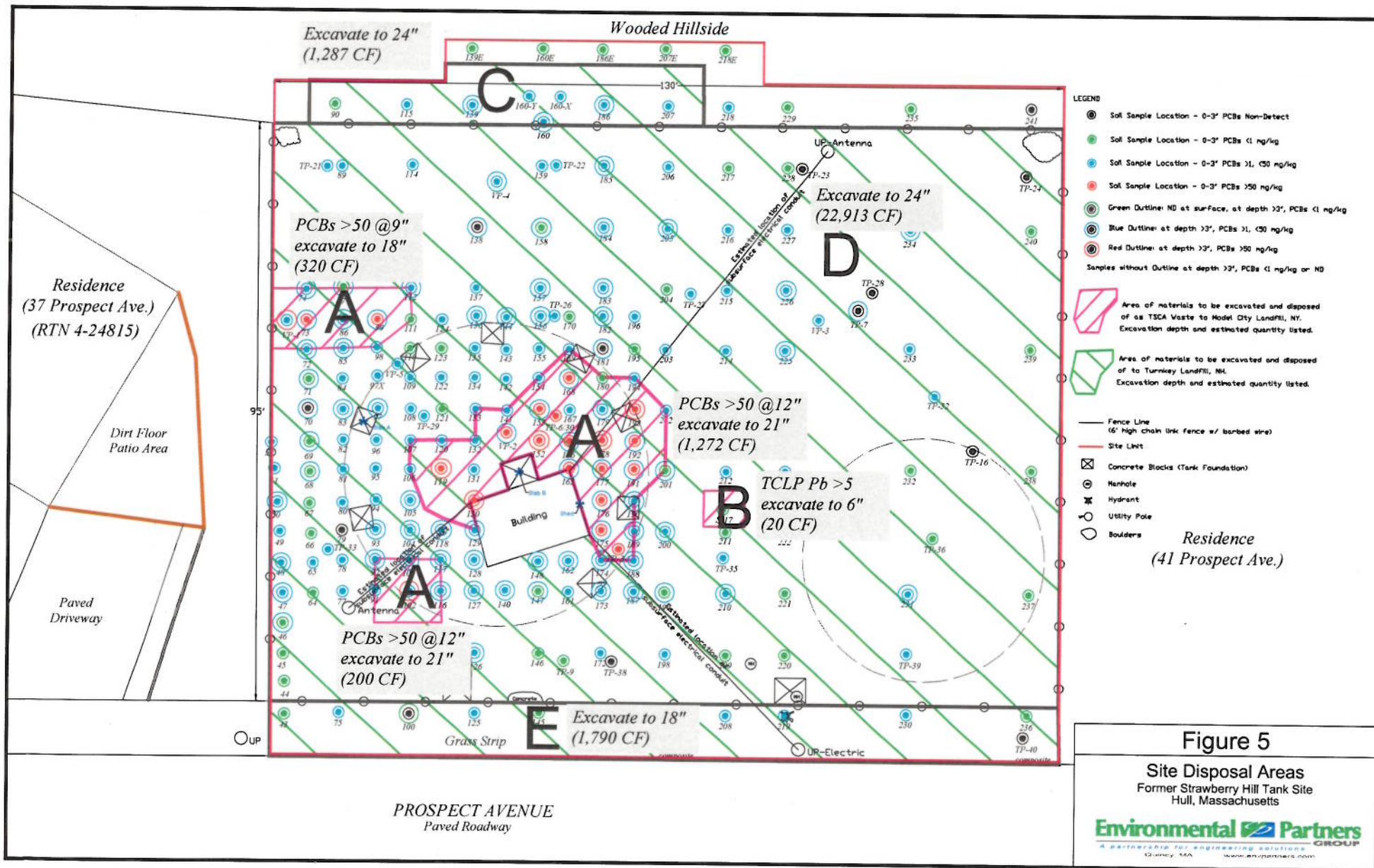
20. Aquarion shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K. A written record of the cleanup and the analytical sampling shall be established and maintained by Aquarion in one centralized location until such time as EPA authorizes, in writing, an alternative disposition for such records. All records shall be made available for inspection by authorized representatives of EPA.

21. Aquarion shall submit a final report in both hard copy and electronic version (CD-ROM), to the EPA within 60 days of completion of the activities authorized under this Approval. At a minimum, this final report shall include: a short narrative of the project activities with photo-documentation and Greener Cleanups BMP documentation, as applicable; characterization and confirmation sampling analytical results; copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCB waste disposed of; copies of manifests and bills of lading; and copies of certificates of disposal or similar certifications issued by the disposer.
22. Required submittals shall be mailed to:  
  
Kimberly N. Tisa, PCB Coordinator  
United States Environmental Protection Agency  
5 Post Office Square, Suite 100  
Mail Code: OSRR07-2  
Boston, Massachusetts 02109-3912
23. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self-disclosure or penalty policies.

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**END OF ATTACHMENT 1**





Attachment 2